

REMARKS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and the following remarks.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-10 are currently pending in this application. Claim 1 is hereby amended.

II. THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,444,560 to Jacklich (“*Jacklich*”) in view of U.S. patent No. 5,183,388 to Kumar (“*Kumar*”). Claims 1-10 were also rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,340,367 to Vadas (“*Vadas*”) in view of *Kumar*. The rejections are traversed for at least the following reasons.

Claim 1, as herein amended, recites, *inter alia*:

“A device for ejecting a liquid or pasty product, comprising ...

... an articulated lever acting on the teeth of the drive cylinder ..., wherein the lever is connected to the body by means of a joint comprising a **cylindrical pivot pin** and a slot, the cylindrical pivot pin adapted to elastically deform to engage the slot for facilitating attachment and dislocation of the lever with respect to the body without requiring a tool, **wherein substantially all of the cylindrical pivot pin is deformed when engaged within the slot and pivots in the deformed state upon actuation of the lever.**” (Emphasis added)

Neither *Vadas*, *Jacklich*, nor *Kumar* disclose or suggest a “lever” that “is connected to the body by means of a joint comprising a **cylindrical pivot pin** and a slot, the cylindrical pivot pin adapted to elastically deform to engage the slot for facilitating attachment and dislocation of the lever with respect to the body without requiring a tool, **wherein substantially all of the**

cylindrical pivot pin is deformed when engaged within the slot and pivots in the deformed state upon actuation of the lever [,]” as recited in claim 1.

The cited *Vadas* and *Jacklich* references merely disclose the attachment of a lever to a device *without* any description or suggestion associated with the lever’s removability without the use of a tool facilitated by an elastically deformable cylindrical pivot pin.

As with *Kumar*, according to *column 4, lines 40-53 of Kumar*, FIG. 15 illustrates the use of a hinge member according to FIGS. 5A to 7 in practice. If one inserts a pin or plug (23) into the hole (1), the slot (19) is closed to retain a wire (4) in it. The wire (4) has much more freedom to move and is less clamped than heretofore so that tendency of breakage is reduced and mobility of the jaws is improved. The pin or plug (23) is preferably slightly conical, as is best seen from FIG. 15 in relation to the hole (1). If the pin (23) consists of relatively soft material, such as plastic material (e.g. polyurethane), it may be depressed into the hole, until its upper part deforms elastically. To this end, it may be advantageous to give the pin (23) a cross-section that deviates from a circular one, as to provide sharp edges which are easier deformed within the hole (1).

In contrast:

- *Kumar’s* above-description suggests the use of a slightly conical shaped pin as opposed to “a cylindrical pivot pin.” Moreover, as taught by *Kumar*, the pin (23) has a cross section that *deviates* from a circular one. A cylindrical cross section differs in that its cross section is substantially circular.
- *Kumar’s* pin (23) does not necessitate any pivoting action and is, therefore, *not* a “pivot pin.”

- Also, when Kumar's pin (23) is depressed into the hole, *only* its upper part deforms elastically (see *Kumar*; column 4, line 50).
- It is also unclear how a person skilled in the art of devices used for ejecting pasty substances would look to an entirely different and specialized field of orthodontics.

The relied upon portions of *Vadas*, *Jacklich*, and *Kumar* do not disclose or suggest the above identified feature of claim 1, as amended. Therefore, for at least the foregoing reasons, Applicants submit that independent claim 1 is patentable.

Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

III. DEPENDENT CLAIMS

The other claims are dependent from independent claim 1, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.


Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicants' undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.

Please charge any fees incurred by reason of this response and not paid herewith to
Deposit Account No. 50-0320.

Respectfully submitted,
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